

AO279, CLOSED, NOLAN, PROTO

**United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 2.5 (Chicago)
CIVIL DOCKET FOR CASE #: 1:05-cv-01330**

Pinpoint Incorporated v. Amazon.Com, Inc. et al
Assigned to: Honorable Richard A. Posner
Cause: 35:145 Patent Infringement

Date Filed: 03/07/2005
Jury Demand: Both
Nature of Suit: 830 Patent
Jurisdiction: Federal Question

Plaintiff

Pinpoint Incorporated

represented by **Philip Scott Beck**
Bartlit Beck Herman Palenchar & Scott
LLP
54 West Hubbard Street
Suite 300
Chicago, IL 60610
(312) 494-4400
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Adam K Mortara
Bartlit Beck Herman Palenchar & Scott
LLP
54 West Hubbard Street
Suite 300
Chicago, IL 60610
(312) 494-4400

Paul J Skiermont
Bartlit Beck Herman Palenchar & Scott
LLP
54 West Hubbard Street
Suite 300
Chicago, IL 60610
(312) 494-4400

Peter Benjamin Bensinger, Jr.
Bartlit Beck Herman Palenchar & Scott
LLP
54 West Hubbard Street
Suite 300
Chicago, IL 60610
(312) 494-4400
Email: peter.bensinger@bartlit-
beck.com
ATTORNEY TO BE NOTICED

V.

Defendant

Amazon.Com, Inc.

represented by **C.J. Alice Chen**
Fenwick & West LLP
801 California Street
Mountain View, CA 94041
(650)335-7163
ATTORNEY TO BE NOTICED

Darren Donnelly
Fenwick & West LLP
801 California Street
Mountain View, CA 94041
(650)998-8500

J David Hadden
Fenwick & West LLP
801 California Street
Mountain View, CA 94041
(650)998-8500

Lynn H Pasahow
Fenwick & West LLP
801 California Street
Mountain View, CA 94041
(650)998-8500

Wendy Bjerknes
Fenwick & West LLP
801 California Street
Mountain View, CA 94041
(650)998-8500

Defendant

Babiesrus.Com, LLC

Defendant

BeMusic Inc

Defendant

Borders Group Inc

Defendant

Borders Inc

Defendant

CDnow, Inc.

Defendant

Target Corporation

Defendant

Toys "R" Us, Inc.

represented by **C.J. Alice Chen**
(See above for address)
ATTORNEY TO BE NOTICED

Darren Donnelly
(See above for address)

J David Hadden
(See above for address)

Lynn H Pasahow
(See above for address)

Wendy Bjerknes
(See above for address)

Defendant

Toysrus.com Inc

represented by **C.J. Alice Chen**
(See above for address)
ATTORNEY TO BE NOTICED

Darren Donnelly
(See above for address)

J David Hadden
(See above for address)

Lynn H Pasahow
(See above for address)

Wendy Bjerknes
(See above for address)

Defendant

Virgin Entertainment Group Inc

Defendant

Walden Book Company Inc

Counter Claimant

Virgin Entertainment Group Inc

represented by **Robert Davis Stonebraker**
Grippio & Elden
111 South Wacker Drive
Chicago, IL 60606
(312) 704-7700

Email: docket@grippoelden.com
ATTORNEY TO BE NOTICED

V.

Counter Defendant

Pinpoint Incorporated

represented by **Adam K Mortara**
(See above for address)

Counter Claimant

Borders Group Inc

V.

Counter Defendant

Pinpoint Incorporated

represented by **Adam K Mortara**
(See above for address)

Counter Claimant

Walden Book Company Inc

V.

Counter Defendant

Pinpoint Incorporated

represented by **Adam K Mortara**
(See above for address)

Counter Claimant

Toys "R" Us, Inc.

represented by **C.J. Alice Chen**
(See above for address)
ATTORNEY TO BE NOTICED

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(See above for address)

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V.

Counter Defendant

Pinpoint Incorporated

represented by **Adam K Mortara**

(See above for address)

Counter Claimant

Borders Inc

V.

Counter Defendant

Pinpoint Incorporated

represented by **Adam K Mortara**
(See above for address)

Counter Claimant

Target Corporation

V.

Counter Defendant

Pinpoint Incorporated

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(See above for address)

Counter Claimant

Toysrus.com Inc

represented by **C.J. Alice Chen**
(See above for address)
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(See above for address)

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(See above for address)

V.

Counter Defendant

Pinpoint Incorporated

represented by **Adam K Mortara**
(See above for address)

Counter Claimant

Amazon.Com, Inc.

represented by **C.J. Alice Chen**
(See above for address)
ATTORNEY TO BE NOTICED

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(See above for address)

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(See above for address)

Wendy Bjerknes
(See above for address)

V.

Counter Defendant

Pinpoint Incorporated

represented by **Adam K Mortara**
(See above for address)

Counter Claimant

Babiesrus.Com, LLC

V.

Counter Defendant

Pinpoint Incorporated

represented by **Adam K Mortara**
(See above for address)

Counter Claimant

BeMusic Inc

V.

Counter Defendant

Pinpoint Incorporated

represented by **Adam K Mortara**
(See above for address)

Date Filed	#	Docket Text
03/07/2005	<u>1</u>	COMPLAINT filed by Pinpoint Incorporated; jury demand.(ntf,) (Entered: 03/09/2005)
03/07/2005	<u>2</u>	CIVIL Cover Sheet (ntf,) (Entered: 03/09/2005)
03/07/2005	<u>3</u>	ATTORNEY Appearance for Plaintiff Pinpoint Incorporated by Philip Scott Beck, Peter Benjamin Bensinger, Jr, Paul J Skiermont (ntf,) (Entered: 03/09/2005)
03/07/2005	<u>5</u>	SUMMONS Issued as to Defendants Borders Inc, CDnow, Inc., Target Corporation, Toys "R" Us, Inc., Toysrus.com Inc, Virgin Entertainment

		Group Inc, Walden Book Company Inc, Amazon.Com, Inc., Babiesrus.Com, LLC, BeMusic Inc, Borders Group Inc (ntf,) (Entered: 03/09/2005)
03/07/2005	<u>6</u>	NOTICE by Pinpoint Incorporated of claims involving patents. (ntf,) (Entered: 03/09/2005)
03/07/2005	<u>7</u>	LOCAL RULE 3.2 STATEMENT by plaintiff. (ntf,) (Entered: 03/09/2005)
03/09/2005	<u>8</u>	MAILED patent report to Patent Trademark Office, Washington D.C. (ntf,) Additional attachment(s) added on 3/9/2005 (ntf,). (Entered: 03/09/2005)
03/15/2005	<u>9</u>	EXECUTIVE COMMITTEE ORDER:Case reassigned to Honorable Richard A. Posner from Honorable Suzanne B. Conlon pursuant to Rule 13 of the Internal Operating Procedures of this Court. Signed by Judge Suzanne B. Conlon on 03/15/05. (ntf,) (Entered: 03/29/2005)
03/29/2005	<u>10</u>	MINUTE entry before Judge Richard A. Posner : Status hearing held on 3/29/2005. Amazon's brief on law of the case doctrine due 4/5/05, and Pinpoint's response due 4/11/05. Jury Trial tentatively scheduled for 4/25/2005. Judicial staff mailed notice. (sct,) (Entered: 03/31/2005)
03/30/2005	<u>11</u>	LOCAL RULE 3.2 AND FED.R.CIV.P. 7.1(A) DISCLOSURE STATEMENT of defendant Amazon.com, Inc; Notice. (ntf,) (Entered: 04/01/2005)
03/30/2005	<u>12</u>	LOCAL RULE 3.2 AND FED.R.CIV.P. 7.1(A) DISCLOSURE STATEMENT of defendant Virgin Entertainment Group, Inc. (ntf,) (Entered: 04/01/2005)
03/30/2005	<u>13</u>	LOCAL RULE 3.2 AND FED.R.CIV.P. 7.1(A) DISCLOSURE STATEMENT of defendant Target Corporation. (ntf,) (Entered: 04/01/2005)
03/30/2005	<u>14</u>	LOCAL RULE 3.2 AND FED.R.CIV.P. 7.1(A) DISCLOSURE STATEMENT by defendant Toys "R" US, Inc. (ntf,) (Entered: 04/01/2005)
03/30/2005	<u>15</u>	LOCAL RULE 3.2 AND FED.R.CIV.P. 7.1(A) DISCLOSURE STATEMENT by BMG Direct, Inc. (ntf,) (Entered: 04/01/2005)
03/30/2005	<u>16</u>	LOCAL RULE 3.2 AND FED.R.CIV.P. 7.1(A) DISCLOSURE STATEMENT by Walden Book Company, Inc. (ntf,) (Entered: 04/01/2005)
03/30/2005	<u>17</u>	LOCAL RULE 3.2 AND FED.R.CIV.P. 7.1(A) DISCLOSURE STATEMENT by defendant Borders, Inc. (ntf,) (Entered: 04/01/2005)
03/30/2005	<u>18</u>	LOCAL RULE 3.2 AND FED.R.CIV.P. 7.1(A) DISCLOSURE STATEMENT by Toysrus.com, Inc.(ntf,) Modified on 4/1/2005 (ntf,). (Entered: 04/01/2005)
03/30/2005	<u>19</u>	LOCAL RULE 3.2 AND FED.R.CIV.P. 7.1(A) DISCLOSURE

		STATEMENT by Borders Group, Inc. (ntf,) (Entered: 04/01/2005)
03/30/2005	<u>20</u>	LOCAL RULE 3.2 AND FED.R.CIV.P. 7.1(A) DISCLOSURE STATEMENT by defendant Babiesrus.com, LLC (ntf,) (Entered: 04/01/2005)
03/30/2005	<u>21</u>	ANSWER by Virgin Entertainment Group Inc to Complaint with Jury Demand and COUNTERCLAIM against Pinpoint Incorporated; Notice (ntf,) (Entered: 04/01/2005)
03/30/2005	<u>23</u>	ANSWER and COUNTERCLAIMS filed by Borders Group Inc against Pinpoint Incorporated; Jury Demand; Notice of filing(ar,) Modified on 4/4/2005 (ar,). (Entered: 04/04/2005)
03/30/2005	<u>24</u>	ANSWER and COUNTERCLAIMS filed by Walden Book Company Inc against Pinpoint Incorporated; Jury Demand; Notice of filing. (ar,) Modified on 4/4/2005 (ar,). (Entered: 04/04/2005)
03/30/2005	<u>25</u>	ANSWER and COUNTERCLAIMS filed by Toys "R" Us, Inc. against Pinpoint Incorporated; Jury Demand; Notice of filing.(ar,) (Entered: 04/04/2005)
03/30/2005	<u>26</u>	ANSWER and COUNTERCLAIMS filed by Borders Inc against Pinpoint Incorporated; Jury Demand; Notice of filing. (ar,) (Entered: 04/04/2005)
03/30/2005	<u>27</u>	ANSWER and COUNTERCLAIMS filed by Target Corporation against Pinpoint Incorporated; Jury Demand; Notice of fiing.(ar,) (Entered: 04/04/2005)
03/30/2005	<u>28</u>	ANSWER and COUNTERCLAIMS filed by Toysrus.com Inc against Pinpoint Incorporated Jury Demand; Notice of filing. (ar,) (Entered: 04/04/2005)
03/30/2005	<u>29</u>	ANSWER and COUNTERCLAIMS filed by Amazon.Com, Inc. against Pinpoint Incorporated; Jury Demand; Notice of filing. (ar,) (Entered: 04/04/2005)
03/30/2005	<u>30</u>	ANSWER and COUNTERCLAIMS filed by Babiesrus.Com, LLC against Pinpoint Incorporated; Jury Demand; Notice of filing. (ar,) (Entered: 04/04/2005)
03/30/2005	<u>31</u>	ANSWER and COUNTERCLAIMS filed by BMG Direct, Inc., for Defendant BeMusic, Inc., against Pinpoint Incorporated; Jury Demand; Notice of filing. (ar,) (Entered: 04/04/2005)
04/01/2005	<u>22</u>	MINUTE entry before Judge Richard A. Posner : Jury Trial of 4/25/05 is reset to 6/13/2005 at 09:00 AM. Mailed notice. (sct,) (Entered: 04/01/2005)
04/05/2005	<u>32</u>	EXHIBITS by Defendant Amazon.Com, Inc. to REQUEST for judicial notice in support of Amazon.com's memorandum of points and authorities in support of not adopting incorrect and vacated prior rulings (Volumes I-II)(gma,) (Entered: 04/06/2005)

04/05/2005	<u>33</u>	MOTION by Defendant for leave to file memorandum of law in excess pages ; Notice. (lxs,) (Entered: 04/11/2005)
04/05/2005	<u>34</u>	MEMORANDUM by defendants of points and authorities in support of not adopting incorrect and vacated prior rulings.(lxs,) (Entered: 04/11/2005)
04/11/2005	<u>35</u>	MEMORANDUM by Pinpoint Incorporated in answer to the Court's questions regarding re-entering previous orders and revisiting claim construction. (ntf,) (Entered: 04/13/2005)
04/14/2005	<u>44</u>	APPLICATION for Leave to Appear Pro Hac Vice on behalf of Amazon.Com, Inc., Toys "R" Us, Inc., Toysrus.com Inc by C.J. Alice Chen; Order entered granting leave by Richard A. Posner. Filing fee \$ 50.00 paid, receipt number 10634710 (ntf,) (Entered: 04/22/2005)
04/19/2005	<u>37</u>	STIPULATED (PROPOSED) PROTECTIVE ORDER by parties; Notice. (ntf,) (Entered: 04/20/2005)
04/19/2005	<u>45</u>	MINUTE entry before Judge Charles P. Kocoras : Parties' stipulated protective order is granted. Applications for leave to appear pro hac vice of Lynn H. Pasahow, J. David Hadden, Wendy Bjerkness, and Darren E. Donnelly are granted. Notice mailed by judge's staff (ntf,) (Entered: 04/22/2005)
04/19/2005	<u>46</u>	STIPULATED (PROPOSED) PROTECTIVE Order Signed by Judge Richard A. Posner on 4/19/2005:Notice mailed by judge's staff (ntf,) (Entered: 04/22/2005)
04/19/2005	<u>47</u>	APPLICATION for Leave to Appear Pro Hac Vice on behalf of Amazon.Com, Inc., Toys "R" Us, Inc., Toysrus.com Inc by Wendy Bjerknes; Order entered granting leave by Richard A. Posner. Filing fee \$ 50.00 paid, receipt number 10421174 (ntf,) (Entered: 04/22/2005)
04/19/2005	<u>48</u>	APPLICATION for Leave to Appear Pro Hac Vice on behalf of Amazon.Com, Inc., Toys "R" Us, Inc., Toysrus.com Inc by Lynn H Pasahow; Order entered granting leave by Richard A. Posner. Filing fee \$ 50.00 paid, receipt number 10421174 (ntf,) (Entered: 04/22/2005)
04/19/2005	<u>49</u>	APPLICATION for Leave to Appear Pro Hac Vice on behalf of Amazon.Com, Inc., Toys "R" Us, Inc., Toysrus.com Inc by Darren Donnelly; Order entered granting leave by Richard A. Posner. Filing fee \$ 50.00 paid, receipt number 10421174 (ntf,) (Entered: 04/22/2005)
04/19/2005	<u>50</u>	APPLICATION for Leave to Appear Pro Hac Vice on behalf of Amazon.Com, Inc., Toys "R" Us, Inc., Toysrus.com Inc by J David Hadden; Order entered granting leave by Richard A. Posner. Filing fee \$ 50.00 paid, receipt number 10421174 (ntf,) (Entered: 04/22/2005)
04/20/2005	<u>36</u>	MINUTE entry before Judge Richard A. Posner : In Court hearing set for 4/28/2005 at 10:00 AM. Judicial staff mailed notice. (sct,) (Entered: 04/20/2005)
04/20/2005	<u>39</u>	EXHIBIT 14 SUR-REPLY by Pinpoint Incorporated on claim

		construction (RESTRICTED).(ntf,) (Entered: 04/22/2005)
04/20/2005	<u>40</u>	DECLARATION of Michael Pazzani Ph.D. in support of Pinpoint's July 2004 memorandum of law on claim construction; Notice.(ntf,) (Entered: 04/22/2005)
04/20/2005	<u>41</u>	FILING OF JULY 2004 by Pinpoint Incorporated's memorandum of law on claim construction. (ntf,) (Entered: 04/22/2005)
04/20/2005	<u>42</u>	APPENDIX by Pinpoint Incorporated in support of Pinpoint's July 2004 memorandum of law on claim construction <u>41</u> Vol. 1 through 5 (42-1 through 42-5). (ntf,) (Entered: 04/22/2005)
04/20/2005	<u>43</u>	SUPPLEMENTAL APPENDIX by Pinpoint Incorporated to in support of Pinpoint's August 2004 sur-reply on claim construction <u>42</u> Volume 6. (ntf,) (Entered: 04/22/2005)
04/20/2005	<u>52</u>	MOTION by plaintiff for leave to file under seal. (ntf,) (Entered: 04/28/2005)
04/20/2005	<u>53</u>	NOTICE by plaintiff of filing motion for leave to file under seal <u>52</u> . (ntf,) (Entered: 04/28/2005)
04/20/2005	<u>54</u>	NOTICE by plaintiff of filing Pinpoint's July 2004 memorandum of law on claim construction, declaration of Michael Pazzani, Ph.D. in support of Pinpoint's July 2004 memorandum of law on claim construction, Pinpoint's August 2004 sur-reply on claim construction and accompanying appendix exhibits 1-14. (ntf,) (Entered: 04/28/2005)
04/20/2005	<u>55</u>	CLAIM CHARTS by plaintiff showing the parties' proposed constructions.(ntf,) (Entered: 04/28/2005)
04/20/2005	<u>57</u>	SUR-REPLY by plaintiff on claim construction; Notice. (ntf,) (Entered: 04/29/2005)
04/21/2005	<u>38</u>	MINUTE entry before Judge Richard A. Posner : Hearing for arguments on whether to reinstate vacated orders is set for April 28, 2005, at 10 a.m. Judicial staff telephoned notice. (sct,) (Entered: 04/21/2005)
04/22/2005	<u>51</u>	ATTORNEY Appearance for Plaintiff Pinpoint Incorporated by Adam K Mortara (ntf,) (Entered: 04/27/2005)
04/28/2005	<u>56</u>	MINUTE entry before Judge Richard A. Posner : Arguments held on April 27, 2005 on whether to reinstate vacated orders. Parties briefs due May 5, 2005. Ruling to be made by mail. Mailed notice (slb,) (Entered: 04/28/2005)
04/28/2005	<u>58</u>	MINUTE entry before Judge Richard A. Posner : Pretrial hearing held. The parties are given one week (until May 5, 2005), to file short supplemental briefs on the proper construction of the "scheduling," "customer profile," and "content profile" elements. Notices mailed by judge's staff. (ntf,) (Entered: 04/29/2005)
04/29/2005	<u>59</u>	SUMMONS Returned Unexecuted as to CDnow, Inc.. (ntf,) (Entered: 05/04/2005)

04/29/2005	<u>60</u>	ALIAS Summons Issued as to CDnow, Inc.. (ntf,) (Entered: 05/04/2005)
04/29/2005	<u>61</u>	SUMMONS Returned Executed as to Toys "R" Us, Inc. on 3/16/2005, answer due 4/5/2005. (ntf,) (Entered: 05/04/2005)
04/29/2005	<u>62</u>	SUMMONS Returned Executed as to Toysrus.com Inc on 3/16/2005, answer due 4/5/2005 (ntf,) (Entered: 05/04/2005)
04/29/2005	<u>63</u>	SUMMONS Returned Executed as to Babiesrus.Com, LLC on 3/16/2005, answer due 4/5/2005. (ntf,) (Entered: 05/04/2005)
04/29/2005	<u>64</u>	SUMMONS Returned Executed as to BeMusic Inc on 3/10/2005, answer due 3/30/2005.(ntf,) (Entered: 05/04/2005)
04/29/2005	<u>65</u>	SUMMONS Returned Executed as to Amazon.Com, Inc. on 3/10/2005, answer due 3/30/2005. (ntf,) (Entered: 05/04/2005)
04/29/2005	<u>66</u>	SUMMONS Returned Executed as to Virgin Entertainment Group Inc on 3/11/2005, answer due 3/31/2005. (ntf,) (Entered: 05/04/2005)
04/29/2005	<u>67</u>	SUMMONS Returned Executed as to Borders Inc on 3/17/2005, answer due 4/6/2005. (ntf,) (Entered: 05/04/2005)
04/29/2005	<u>68</u>	SUMMONS Returned Executed as to Borders Group Inc on 3/17/2005, answer due 4/6/2005. (ntf,) (Entered: 05/04/2005)
04/29/2005	<u>69</u>	SUMMONS Returned Executed as to Target Corporation on 3/14/2005, answer due 4/4/2005. (ntf,) (Entered: 05/04/2005)
04/29/2005	<u>70</u>	SUMMONS Returned Executed as to Walden Book Company Inc on 3/17/2005, answer due 4/6/2005. (ntf,) (Entered: 05/04/2005)
04/29/2005	<u>75</u>	SELECTED GRAPHICS by plaintiff used in support of Pinpoint's oral argument on claim construction; Notice.(ntf,) (Entered: 05/10/2005)
05/05/2005	<u>71</u>	SUPPLEMENTAL memorandum of law by plaintiff on claim construction.(ntf,) (Entered: 05/09/2005)
05/05/2005	<u>72</u>	DECLARATION of Michael J. Pazzani Ph.D. in support of Pinpoint's supplemental memorandum of law on claim construction <u>71</u> (ntf,) (Entered: 05/09/2005)
05/05/2005	<u>73</u>	APPENDIX by plaintiff in support of Pinpoint's supplemental memorandum of law on claim construction <u>71</u> Vol. 1 through 3 (73-1 through 73-3). (ntf,) (Entered: 05/09/2005)
05/05/2005	<u>74</u>	MEMORANDUM of points and authorities by defendants in support of their claim construction of "scheduling" "customer profile", and "content profile" claim elements.(ntf,) (Entered: 05/10/2005)
05/17/2005	<u>76</u>	MINUTE entry before Judge Richard A. Posner : Enter Opinion: In the manner given in the accompanying opinion, the court hereby construes the claims of the asserted patents. Mailed notice (ntf,) (Entered: 05/20/2005)
05/17/2005	<u>77</u>	OPINION Signed by Judge Richard A. Posner on 5/17/2005:Mailed

		notice(ntf,) (Entered: 05/20/2005)
05/24/2005	<u>78</u>	STATEMENT by plaintiff of nonliability(ntf,) (Entered: 05/27/2005)
05/25/2005	<u>79</u>	CORRECTED statement by plaintiff of nonliability <u>78</u> (ntf,) (Entered: 05/31/2005)
05/31/2005	<u>80</u>	MINUTE entry before Judge Richard A. Posner : Enter stipulated dismissal and order; All claims brought by plaintiff in the above-captioned action are dismissed with prejudice. All counterclaims brought by defendants in the above-captioned action are dismissed without prejudice. All pending motions are moot. Trial set for 06/13/05 is stricken. Mailed notice (ntf,) (Entered: 06/03/2005)
05/31/2005	<u>81</u>	STIPULATED DISMISSAL and Order Signed by Judge Richard A. Posner on 5/31/2005:Mailed notice(ntf,) (Entered: 06/03/2005)
05/31/2005	<u>82</u>	ENTERED JUDGMENT Signed by Judge Richard A. Posner on 5/31/2005:Mailed notice(ntf,) (Entered: 06/03/2005)

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PACER Login:	wg0430	Client Code:	P0813.70001US02
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